

Rule 3002-1

DEADLINE FOR FILING PROOFS OF CLAIM IN REINSTATED CASES; LATE-FILED PROOFS OF CLAIM

(a) ***Deadline for Filing Proofs of Claim in Reinstated Cases.*** In cases that are dismissed and then reinstated before the deadline for filing proofs of claim has expired, the deadline for filing proofs of claim in Fed. R. Bankr. P. 3002(c) is extended to 70 days after the entry of the order reinstating the case.

(b) ***Tardily Filed Proofs of Claim in Chapter 7 Cases.*** Creditors in a Chapter 7 case who did not have notice or actual knowledge of the case in time to file a proof of claim before the deadline may file a proof of claim without first obtaining leave of Court. However, under 11 U.S.C. § 726(a)(2)(C), they will receive a distribution only if all timely filed claims are paid in full.

Notes of Advisory Committee

2019 Amendment

This amendment reflects the December 1, 2017 amendment to Fed. R. Bankr. P. 3002(c) that shortened the deadline for filing proofs of claim in voluntary Chapter 7, 12, and 13 cases from 90 days after the date first set for the meeting of creditors to 70 days after the order for relief or conversion of a case to a case under Chapter 12 or 13. The rule is further amended to clarify that holders of claims in Chapter 7 cases who did not have notice or actual knowledge of the case before the claims bar date but who wish to file claims that will receive no distribution unless all timely filed claims are paid in full, may file a proof of claim without first obtaining Court approval. This amendment is effective July 1, 2019.

2016 Amendment

This amendment extends the deadlines for filing proofs of claim in reinstated cases from 28 to 60 days and is now applicable to cases filed under all chapters. This amended rule is effective July 1, 2016.

2012

This rule provides for new deadlines for filing proofs of claims in bankruptcy cases that are dismissed and thereafter reinstated before the expiration of the claims bar date. This rule is effective March 15, 2012.